# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**SPECIAL CIVIL APPLICATION No. 8747 of 2000**

**For Approval and Signature:**

**HON'BLE MR JUSTICE KS JHAVERI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**GSRTC - Petitioner(s)**

**Versus**

**GULAMBHAI DAUDBHAI BAREJIA - Respondent(s)**

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**Appearance :**

MR UI VYAS for Petitioner No(s).: 1.

MR AV PRAJAPATI for Respondent No(s).: 1.

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**CORAM :HON'BLE MR JUSTICE KS JHAVERI**

**Date : 05/07/2005**

**ORAL JUDGMENT**

1. This petition is directed against the order dated 31st March, 2000 passed by the Labour Court, Surat in Reference [L.C.H.] No. 98/99, whereby the Labour Court has directed the petitioner Corporation to reinstate the respondent workman in service on his original post afresh without back wages.

2. The short facts of the case are that the respondent workman was serving as a Conductor with the petitioner Corporation. On 25th February, 1996, while the respondent workman was on duty, when a surprise checking was carried out by the checking squad of the petitioner Corporation, certain irregularities were found in the collection of fares and issuance of tickets. Therefore, a charge sheet was issued and departmental inquiry was held against the respondent workman. Since the charges against the respondent workman were proved, he was dismissed from the service w.e.f. 23rd December, 1997.

2.1. Being aggrieved by the said order, the respondent workman raised an industrial dispute which was ultimately referred to the Labour Court, Surat for adjudication. The Labour Court after appreciating the materials produced before it, allowed the Reference with the aforesaid directions. Hence, this petition.

3. Mr. Vyas learned advocate for the petitioner Corporation has contended that the Labour Court has committed an error in appreciating the past record of the respondent workman. He has submitted that on earlier occasions, the respondent workman had committed defaults for which appropriate penalties were imposed and in spite of that the respondent workman had repeated his mis-conduct. He has, therefore, submitted that the Labour Court has erred in setting aside the order of dismissal passed by the petitioner Corporation.

4. I have heard the learned counsel for the respective parties. Having perused the materials placed on record, it transpires that the Labour Court while exercising powers under Section 11A of the Industrial Disputes Act, 1947, has substituted the penalty of dismissal by reinstatement in service on his original post afresh without back wages. Apart from that the Labour Court while considering the question of penalty has considered the past service of the respondent workman. I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court in its award and it does not call for any interference in this petition.

5. This Court vide order dated 14th November, 2000 has granted stay subject to Section 17-B of the Industrial Disputes Act, 1947. Therefore, the petitioner Corporation is directed to grant all the benefits to the respondent workman within a period of six months from the date of receipt of writ of this order.

6. In the result, the petition is dismissed. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

**[K.S. JHAVERI, J.]**

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